

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HEIDELBERG USA, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 07-601-GMS
)	
SCREENTONE SYSTEMS)	
CORPORATION, ACACIA PATENT)	
ACQUISITION CORPORATION,)	
ACACIA RESEARCH CORPORATION,)	
and PAUL S. SNYPP,)	
)	
Defendants.)	

KONICA MINOLTA BUSINESS)	
SOLUTIONS U.S.A., INC.,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 07-602-GMS
)	
SCREENTONE SYSTEMS)	
CORPORATION, ACACIA PATENT)	
ACQUISITION CORPORATION,)	
ACACIA RESEARCH CORPORATION,)	
and PAUL S. SNYPP,)	
)	
Defendants.)	

**DEFENDANTS' MOTION TO STAY OR TRANSFER PENDING RESOLUTION
OF ISSUES BY THE EASTERN DISTRICT OF TEXAS, THE FIRST-FILED
COURT, OR, IN THE ALTERNATIVE, MOTION TO DISMISS**

On the basis of the first-to-file rule, Defendants Screentone Systems Corporation, Acacia Patent Acquisition Corporation, Acacia Research Corporation, and Paul S. Snyppe (collectively, “Defendants”) hereby move to stay the above-captioned actions¹ or to transfer them to the United States District Court for the Eastern District of Texas, Marshall Division, the “first-filed” court. Alternatively, Defendants move to dismiss these proceedings with prejudice.

Under the first-to-file rule, this case should be stayed or transferred, or in the alternative, dismissed. *See Crosley Corp. v. Hazeltine Corp.*, 122 F.2d 925, 929 (3d Cir. 1941). Staying, transferring, or dismissing this case will further the principles of comity and sound judicial administration on which the first-to-file rule is based, by conserving judicial resources and by avoiding duplicative litigation and inconsistent results. *See Alltrade, Inc. v. Uniweld Products, Inc.*, 946 F.2d 622, 625 (9th Cir. 1991). The bases for this motion are more fully set out in the opening brief filed concurrently herewith.

WHEREFORE, Defendants respectfully request that the Court enter an Order to: (a) stay these actions until further ruling of the Texas Court; (b) transfer these actions to the Texas Court; or (c) dismiss these actions with prejudice in deference to the Texas Court that first acquired the subject of the parties’ disputes. Defendants also request such other and further relief to which they may be justly entitled.

¹ The action filed by Heidelberg USA, Inc. (Civil Case No. 07-601-***) was initially assigned to the vacant judgeship and was automatically referred to Magistrate Judge Leonard P. Stark on October 10, 2007, for all pretrial proceedings. The action filed by Konica Minolta Business Solutions U.S.A., Inc. (Civil Case No. 07-602-GMS) was assigned to Chief Judge Gregory M. Sleet and referred to Magistrate Judge Stark on the same day. By Order dated October 29, 2007 (Document 14), and upon a finding that the cases are “related cases,” the Heidelberg Action was reassigned to Chief Judge Sleet and then immediately referred to Magistrate Judge Stark. To simplify the Court’s task, both actions are addressed here.

OBERLY, JENNINGS & RHODUNDA, P.A.

Dated: November 21, 2007

/s/ Karen V. Sullivan
Karen V. Sullivan (No. 3872)
1220 Market Street, Suite 710
P.O. Box 2054
Wilmington, DE 19899
(302) 576-2000 – Telephone
(302) 576-2004 – Facsimile
ksullivan@ojlaw.com

-and-

Edward R. Nelson III
Texas State Bar No. 00797142
David Skeels
Texas State Bar No. 24041925
FRIEDMAN, SUDER & COOKE
604 East 4th Street, Suite 200
Fort Worth, TX 76102
(817) 334-0400 – Telephone
(817) 334-0401 – Facsimile

Attorneys for Defendants Screentone Systems
Corporation, Acacia Patent Acquisition Corporation,
Acacia Research Corporation and Paul S. Snyppe

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HEIDELBERG USA, INC.,

Plaintiff,

v.

SCREENTONE SYSTEMS
CORPORATION, ACACIA PATENT
ACQUISITION CORPORATION,
ACACIA RESEARCH CORPORATION,
and PAUL S. SNYPP,

Defendants.

Civ. No. 07-601-GMS

KONICA MINOLTA BUSINESS
SOLUTIONS U.S.A., INC.,

Plaintiff,

v.

SCREENTONE SYSTEMS
CORPORATION, ACACIA PATENT
ACQUISITION CORPORATION,
ACACIA RESEARCH CORPORATION,
and PAUL S. SNYPP,

Defendants.

Civ. No. 07-602-GMS

**ORDER ON DEFENDANTS' MOTION TO STAY OR TRANSFER PENDING
RESOLUTION OF ISSUES BY THE EASTERN DISTRICT OF TEXAS, THE
FIRST-FILED COURT, OR, IN THE ALTERNATIVE, MOTION TO DISMISS**

On this ____ day of _____, 2007, the Court considered
*Defendants' Motion to Stay or Transfer Pending Resolution of Issues by the Eastern
District of Texas, the First-Filed Court, or, In the Alternative, Motion to Dismiss.*
Finding that good cause exists for the granting of the same, it is hereby found and

ORDERED as follows:

_____ The above-captioned actions are hereby stayed until further notice of this Court.

_____ The above-captioned actions are hereby transferred to the United States District Court for the Eastern District of Texas, Marshall Division.

_____ The above-captioned actions are hereby dismissed with prejudice.

THE HONORABLE GREGORY M. SLEET